

8

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/643,382	MARSHALL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Leith A. Al-Nazer	2821	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 16 November 2005.
2. ☒ The allowed claim(s) is/are 1,4,5 and 14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
|--|---|

  
**TAN HO**  
**PRIMARY EXAMINER**

### DETAILED ACTION

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Wesley Muller on 03 January 2006.

2. Amend claim 14 as follows:

14. An angle measuring device disposable on a first reference surface comprising:

a body having a scale thereon;

a housing rotatably disposed on the body;

a first laser diode disposed within the housing for emitting a first laser beam along a first path; and

a first lens disposed within the housing in the first path for converting the first laser beam into a first planar beam, the first planar beam forming a first line on both [[at least one of]] the first reference surface and the scale.

***Drawings***

2. The replacement drawing sheets were received on 16 November 2005. These drawings are acceptable.

***Allowable Subject Matter***

3. Claims 1, 4, 5, and 14 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or suggest one or more of the limitations found in independent claims 1 and 14. U.S. Patent No. 6,935,034 to Malard et al., U.S. Patent No. 6,871,408 to Malard et al., U.S. Patent No. 6,588,115 to Dong, U.S. Patent No. 6,502,319 to Goodrich et al., U.S. Patent No. 6,202,312 to Rando, U.S. Patent No. 5,754,582 to Dong, and U.S. Patent No. 5,459,932 to Rando et al. all teach prior art laser level and laser line generating systems. However, with respect to independent claim 1, the prior art of record fails to teach or suggest the combination of a laser level comprising: a pendulum; a lock mechanism for fixing the position of the pendulum; a first laser diode disposed on the pendulum; a first lens disposed on the pendulum for converting the first laser beam into a first planar beam; a second laser diode disposed on the pendulum; a second lens disposed on the pendulum in the second path for converting the second laser beam into a second planar beam; wherein the first and second lines are substantially perpendicular and non-intersecting. U.S. Patent No. 5,864,956 to Dong and U.S. Patent No. 5,842,282 to Ting both teach prior art angle

Art Unit: 2821

measuring devices. However, with respect to independent claim 14, the prior art of record fails to teach or suggest the combination of a first lens disposed within the housing in the first path for converting the first laser beam into a first planar beam, the first planar beam forming a first line on both the first reference surface and the scale.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Communication Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leith A. Al-Nazer whose telephone number is 571-272-1938. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2821

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LA

  
TAN HO  
PRIMARY EXAMINER